Attorney's Docket No. 08250.0045-02

PATENT

# In The United States Patent And Trademark Office

In re: Kenneth Wills
Appl. No.: 09/698,077
Filed: October 30, 2000
For: METHODS AND SYSTEM FOR INFORMATION SEARCH AND RETRIEVAL

Confirmation No.: 3296
Group Art Unit: 2672
Examiner: Havan, Thu Thao



Commissioner for Patents
Washington, DC 20231

## APPEAL BRIEF TRANSMITTAL
## (PATENT APPLICATION – 37 C.F.R. § 1.192)

1. Transmitted herewith, in **triplicate**, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on October 21, 2002.

2. This application is filed on behalf of
   - ☒ other than a small entity
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3. Pursuant to 37 C.F.R. § 1.17(c), the fee for filing the Appeal Brief is:
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Sarah B. Simmons

#15 Appeal Brief 8-03 Panel

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Please Enter TTH 3/7/03



Commissioner for Patents
Washington, DC 20231

**APPEAL BRIEF UNDER 37 CFR § 1.192**

Sir:

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed October 21, 2002.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Travelocity.com LP, the assignee of the above-referenced patent application. Travelocity.com LP is currently a wholly-owned subsidiary of Sabre Inc.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

3. ***Status of Claims.***

Claims 17-40 are pending, all of which stand rejected.

4. ***Status of Amendments.***

There are no unentered amendments in this application.

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01/02/2003 SMINASS1 00000029 09698077
01 FC:1401 320.00 OP

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01 FC:1401 -320.00 OP

5. ***Summary of the Invention.***

The invention relates to methods of retrieving information based on a search query including a specific geographical place or area. The method of one embodiment includes receiving a query including the name of a geographical place or area, along with a proximity specification regarding the geographical place or area. Pat. App. page 12, lines 15-17; and page 14, lines 13-15. As disclosed, one typical expression might comprise "I want to know about Italian restaurants within 5 miles of Niagara Falls." *Id.* at page 14, lines 7-9. Upon receiving the query, geographical coordinates related to the geographical area or place can be obtained, and thereafter modified by the proximity specification, which can be represented as a mathematical shape. The modified coordinates can then be matched with coordinates stored in a document index, such as a bounded region. For example, matching the modified coordinates can include determining points of interest that lie within the mathematical shape representing the modified geographical coordinates. *Id.* at page 15, lines 1-5 and 14-17. Source documents that include information regarding the points of interest can then be retrieved and thereafter output to a user.

6. ***Issues.***

The issues presented for appeal are whether Claims 17-18, 20, 23-24, 26-27 and 32-37 are properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,475,598 to Fushimi et al.; and whether Claims 19, 21-22, 25, 28-30 and 38-40 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Fushimi in view of U.S. Patent No. 5,486,822 to Tenmoku et al. Applicant notes that the final Official Action did not separately reject Claim 31 for any identifiable reason. As such, the patentability of Claim 31 is presented as an issue to be fully responsive to the final Official Action, which collectively rejected Claims 17-40 as stated in the Office Action Summary.

7. ***Grouping of Claims.***

With respect to Claims 17-18, 20, 23-24, 26-27 and 32-37 rejected under 35 U.S.C. § 102(b) based on Fushimi, Group I (Claims 17-18, 20, 23-24 and 26-27) stand or fall together,

and Group II (Claims 32-37) stand or fall together, both as explained in the Argument section below. Also, with respect to Claims 19, 21-22, 25, 28-30 and 38-40 rejected under 35 U.S.C. § 103(a) based on Fushimi in view of Tenmoku, Group III (Claims 19, 21-22, 25 and 28) stand or fall together, and Group IV (Claims 29-30 and 38-40) stand and fall together, also as explained in the Argument section below. In addition, although not separately rejected under either § 102(b) or § 103(a), Claim 31 stands or falls with the claims of Group IV (Claims 29-30 and 38-40).

8. ***Argument.***

A. Whether Claims 17-18, 20, 23-24, 26-27 and 32-37 are Properly Rejected under 35 U.S.C. § 102(b) Based on Fushimi?

In the present application, Claims 17-18, 20, 23-24, 26-27 and 32-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fushimi. More particularly as to independent Claims 17, 23, 32 and 35, the Examiner asserts that the Fushimi patent discloses receiving/sending a request identifying a first site, and range data defining a distance from the first site. The Examiner further asserts that the Fushimi patent discloses selecting/receiving trip planning information based on the identified site and the range data, and thereafter outputting the selected planning information.

The Fushimi patent discloses a recommended route guide apparatus that utilizes multiple start and end points, which are shown in a display of a map. In this regard, the map comprises a road network including a number of spaced-apart nodes interconnected by links that represent roads. The links, in turn, have associated distances and associated costs, which can be based upon a travel time to traverse the road represented by the respective link. In operation, the apparatus of the Fushimi patent receives a selection of a departure point from a user, such as by selecting the departure point on the display of a map. From the selected departure point, the apparatus determines all nodes within the range of a circle around the selected departure point, where the circle has a radius of "limit_dist" (e.g., 50 m). Col. 5, lines 20-30. After determining all nodes within the radius from the departure point, the distance from each of the nodes to the departure point is determined, where the distance to each of the nodes within the radius is stored,

and a search start point is set for one of the nodes within the radius of the departure point. *See* col. 5, lines 32-42. For example, as shown in FIG. 2(a) of the Fushimi patent, only one node, *N3*, is located within the radius "limit_dist" of the departure point *S*. As such, only the node *N3* and its distance *DN3* from the departure point *S* are stored. In addition to storing the nodes within the circle, an initial cost upon start of a search is set for travel to the nodes within the circle, e.g., zero.

After setting the search start point on one of the nodes within the circle, the apparatus receives a selection of a destination point, and thereafter determines nodes within a circle from the destination point and sets a search end point for one of the nodes located within the radius of the destination point. For example, as shown in FIG. 2(a) of the Fushimi patent, three nodes, *N5*, *N7* and *N8* are located within the radius "limit_dist" from the destination point *D*. Once the nodes within a radius of the departure and destination points have been selected, and the search start and end points have been set, the apparatus proceeds with a departure side search process. In this regard, the apparatus determines a route between the departure and destination points based upon the cost to travel from the search start point to the search end point via intermediate links connected by intermediate nodes. A respective node within the radius of the departure point and a respective node within the radius of the destination point are thereafter selected as search start and end points, respectively. For each search start and end point selected, the process determines an optimum route to be the least costly route between the departure and destination points, shown in FIG. 2(a) as the route from *N3* to *N7* via link *L4*. Col. 7, lines 38-47. This process repeats for each unique combination of search start and end points.

During the process of determining the optimum route between a selected pair of search start and end points, the overall cost is determined by summing the costs associated with traveling via the links interconnecting the selected start and end points. As the cost is summed along various routes from link-to-link, the routes having the larger costs are eliminated until an optimum route is determined between one of the selected search start points and a search end point. See col. 5 line 55 – col. 8, line 36. Thereafter, a destination side search is executed in a manner similar from the departure side search process so as to confirm the previously determined optimum route. Col. 8, lines 37-62. It is noted that the Fushimi patent discloses other various

embodiments, however, such embodiments include the same general steps, but more precisely determine distances (or costs) associated with travel from the departure and destination points to search start and end points.

With respect to the claims of Group I, independent Claims 17 and 23 recite, among other steps, methods of retrieving information including sending and receiving, respectively, a request identifying a first site and range data defining a distance from the first site. Thereafter, trip planning information is received and selected, respectively, based upon the identified first site and the range data. In contrast to the assertion by the Examiner, however, the Fushimi patent neither teaches nor suggests a method of retrieving information including the steps of sending or receiving a request identifying a first site and range data, and thereafter receiving or selecting trip planning information based upon the identified first site and the range data, as recited by independent Claims 17 and 23, respectively.

The Fushimi patent does disclose identifying nodes, points on links, etc., within a radius ("limit_dist") of departing and destination points. However, no where does the Fushimi patent teach or suggest receiving the radius range around the departing or destination points, or any other range. In fact, as clearly disclosed by the Fushimi patent, the only information received by the apparatus to determine the optimum route is the selected departure and destination points. *See* Abstract. Therefore, Applicant submits that the Fushimi patent does not teach or suggest a method of retrieving information including the steps of sending or receiving a request identifying a first site and range data, and thereafter receiving and selecting trip planning information based upon the identified first site and the range data, as recited by independent Claims 17 and 23, respectively. As such, Applicant submits that independent Claims 17 and 23 are patentable over the Fushimi patent. As dependent Claims 18-22 and 24-28 each depend, directly or indirectly, from independent Claims 17 and 23, respectively, Applicant further submits that dependent Claims 18-22 and 24-28 are also patentable over the Fushimi patent for at least the reasons described above.

With respect to the claims of Group II, independent Claims 32 and 35 are methods of retrieving information that, among other steps, recite the step of receiving and sending, respectively, a request including a site and a type of location of interest (e.g., Italian restaurants).

Also, independent Claims 32 and 35 recite the step of providing and receiving, respectively, trip planning information based upon a range, the site and the type of location of interest. Further, independent Claim 32 recites determining a range for the site based upon stored information associated with the type of location of interest.

In contrast to the assertion by the Examiner, the Fushimi patent neither teaches nor suggests a method of retrieving information including the steps of receiving or sending a request identifying a first site and a type of location of interest, and thereafter providing and receiving trip planning information based upon the identified first site, a range and the type of location of interest, as recited by independent Claims 32 and 35, respectively. Further, the Fushimi patent neither teaches nor suggests a method of retrieving information including determining a range for a site based upon stored information associated with the type of location of interest, as recited by independent Claim 32.

As indicated above, the Fushimi patent does disclose identifying nodes, points on links, etc., within a radius ("limit_dist") of departing and destination points. However, no where does the Fushimi patent teach or suggest receiving a type of location of interest. In the final Official Action, the Examiner asserts that the links shown in FIG. 13(c) represent eleven different locations of interest. As indicated above and disclosed by the Fushimi patent, however, the links are included on a display of a map to represent roads, and are utilized by the apparatus to determine an optimum route based upon cost information associated with the respective links. Applicant does not agree that links constitute locations of interest since the user is interested in and specifies the destination, but not the links or roads connecting the departure from the destination. However, even presuming that the links do comprise types of locations of interest, the Fushimi patent does not teach or suggest receiving the links. The links are included within a predefined map and utilized with selected departure and destination points to determine an optimum route. By suggesting that the apparatus of the Fushimi patent receives the departure and destination points as well as the links, the Examiner incorrectly suggests that the user of the Fushimi apparatus inputs the departure and destination points as well as the portions of the map between the points from which the apparatus determines the optimum route.

In addition, the Fushimi patent does not teach or suggest determining a range based upon stored information associated with a location of interest, as recited by independent Claim 32. In fact, the Fushimi patent does not teach or suggest determining any range. As indicated above, the Fushimi apparatus does identify nodes, points on links, etc. within a radius ("limit_dist") of departing and destination points. The Fushimi patent does not, however, determine the radius, but rather utilizes a constant radius "limit_dist," an example of which is disclosed as 50 m. *See* col. 5, lines 29-30.

Therefore, Applicant submits that the Fushimi patent does not teach or suggest a method of retrieving information including the steps of receiving and sending a request identifying a first site and a type of location of interest, as recited by independent Claims 32 and 35, respectively. In addition, Applicant submits that the Fushimi patent neither teaches nor suggests a method of retrieving information including determining a range for a site based upon stored information associated with the type of location of interest, as recited by independent Claim 32. As such, Applicant submits that independent Claims 32 and 35 are patentable over the Fushimi patent. As dependent Claims 33-34 and 36-37 each depend, directly or indirectly, from independent Claims 32 and 35, respectively, Applicant further submits that dependent Claims 33-34 and 36-37 are also patentable over the Fushimi patent for at least the reasons described above in conjunction with a respective independent claim.

B. Whether Claims 19, 21-22, 25, 28-30 and 38-40 are Properly Rejected under 35 U.S.C. § 103(a) Based on Fushimi in View of Tenmoku?

In the present application, Claims 19, 21-22, 25, 28-30 and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fushimi in view of Tenmoku. More particularly as to independent Claims 29 and 38, the Examiner asserts that the Fushimi patent discloses receiving/sending a request identifying a first site, a second site and a type of location of interest. The Examiner further asserts that the Fushimi patent discloses receiving information associated with the first and second sites that is selected based on the type of location of interest. The Examiner continues by asserting that, whereas the Fushimi patent does not explicitly teach receiving information further based on a geometric shape (as recited by independent Claims 29

and 38), the Fushimi patent does disclose the different sites being in geometric shapes because geometric shapes include straight lines, circles or squares. The Examiner also asserts that the Tenmoku patent discloses different destinations that users can choose by disclosing routes in geometric shapes.

The Tenmoku patent discloses an optimum route determination apparatus that includes a plurality of points selected from a road map on the basis of fixed criteria. The apparatus further includes an optimum route leading to each destination that has been calculated in advance, and in which one of the points in the route is a departure point. *See* Abstract. Among other steps, the apparatus of the Tenmoku patent includes a road map memory, a route memory, a locator, and a processing unit. The road map memory stores road map data divided into meshes, and can include "background data such as railways, rivers, place-names, famous facilities, points prestored by a vehicle operator, contours and the like." Col. 5, lines 7-13. Briefly, in operation, the apparatus of the Tenmoku receives a destination from a vehicle operator, and sets a specific point near the current location of the vehicle. From the destination and the point near the current location, an initial route can be acquired by the apparatus based upon presorted routes from a route table. Col. 2, lines 34-39. The initial route leads from the point near the current location of the vehicle to a next point intermediate of the point near the current location and the destination. As the vehicle travels along the initial route to the next point, the apparatus can acquire subsequent consecutive initial routes (i.e., continuously update an optimum route to the destination) as the vehicle travels toward the destination. *Id.* at lines 40-57.

With respect to the Claims of Group IV, independent Claims 29 and 38, like independent Claims 32 and 35, recite, among other steps, methods of retrieving information including sending and receiving, respectively, a type of location of interest. Thereafter, independent Claims 29 and 38 recite the step of receiving and sending, respectively, information based upon the type of location of interest. As explained above in conjunction with independent Claims 32 and 35, the Fushimi patent neither teaches nor suggests a method of retrieving information including the steps of receiving or sending a request identifying a type of location of interest, as recited by independent Claims 29 and 38, respectively.

In addition, the Tenmoku patent neither teaches nor suggests receiving or sending a request identifying a type of location of interest. In a manner similar to the Fushimi patent, the Tenmoku patent discloses a map stored in a road map memory, where the map is stored as a plurality of meshes, each comprising a combination of nodes and links. Tenmoku, col. 5, lines 7-10. In addition, the Tenmoku patent discloses the road map memory as including background data, as described above. In contrast to independent Claims 29 and 38, however, no where does the Tenmoku patent disclose receiving a type of location of interest, and thereafter providing information based on the type of location of interest. Like the Fushimi patent, the Tenmoku patent determines an optimum route from a map that is prestored or provided. As such, the apparatus of the Tenmoku patent has no need to receive an inquiry including a type of location of interest since any type of location of interest, even if the map did include such information, would already be provided with the map.

As such, Applicant submits that neither the Tenmoku patent nor the Fushimi patent, either individually or in combination, teaches or suggests a method of retrieving information including the steps of receiving and sending a request identifying a type of location of interest, as recited by independent Claims 29 and 38, respectively. Therefore, Applicant also submits that independent Claims 29 and 38 are patentable over the Tenmoku patent and the Fushimi patent, taken either individually or in combination. As dependent Claims 30-31 and 39-40 each depend, directly or indirectly, from independent Claims 29 and 38, respectively, Applicant further submits that dependent Claims 30-31 and 39-40 are also patentable over the Tenmoku patent and the Fushimi patent, taken either individually or in combination, for at least the reasons described above in conjunction with a respective independent claim.

With respect to Group III, dependent Claims 19, 21-22, 25 and 28 stand rejected under § 103(a) as being unpatentable in light of the Fushimi patent in view of the Tenmoku patent. More particularly, the Examiner alleges that the Tenmoku patent discloses trip planning information including information identifying services available within a proximity of a first site derived from range data. The methods of dependent Claims 19 and 25, among other steps, recite receiving and selecting, respectively, the trip planning information including information identifying services within a proximity of the first site derived from range data previously sent or

received, respectively. The method of dependent Claim 21 recites that a request further includes a second site and second range data, where trip planning information received includes information identifying selected locations of interest within a proximity of the first and second sites. Dependent Claims 22 and 28 recite methods including receiving and selecting, respectively, trip planning information including information identifying a location of interest associated with a second site, where the locations of interest provide services similar to services provided by the second site.

In contrast to the methods of dependent Claims 19 and 25, the Tenmoku patent neither teaches nor suggests sending and receiving, respectively, a request including a first site and range data, and thereafter receiving and selecting, respectively, trip planning information identifying services within a proximity of the first site derived from the range data. As indicated above, the Tenmoku patent discloses storing road map data that can include background data including railways, rivers, place-names, famous facilities, points prestored by a vehicle operator, and contours. Even considering such background data to constitute services, nowhere does the Tenmoku patent teach or suggest identifying any such services within a proximity of a first site derived from range data. In fact, the Tenmoku patent neither teaches nor suggests any use of background data based upon, proximity or otherwise, a first site or any other site.

Even considering the background data stored by the Tenmoku apparatus to constitute locations of interest, not only does the Tenmoku patent not teach or suggest the use of background data based upon any site, the Tenmoku patent neither teaches nor suggests identifying any selected locations within a proximity of the first site, as recited by dependent Claim 21. Also, the Tenmoku patent does not teach or suggest selecting any of those locations such that the locations include "selected locations of interest." Further, the Tenmoku patent does not teach or suggest identifying services within a proximity of first and second sites, as recited by dependent Claim 21, even considering the departure and destination points to constitute first and second sites.

As indicated above, the Tenmoku patent neither teaches nor suggests the use of background data based upon any site. Again considering the background data to constitute locations of interest, the Tenmoku patent neither teaches nor suggests any location of interest

being associated with any site, including a first site, as recited by dependent Claims 22 and 28. Further in contrast to the methods of dependent Claims 22 and 28, the Tenmoku patent neither teaches nor suggests identifying a location of interest that provides services similar to services provided by the second site. In this regard, whereas the Tenmoku patent discloses storing background data, none of the background data is disclosed as being identified a providing any type of service, much less a service similar to a service provided by any site.

As indicated above, the Tenmoku patent neither teaches nor suggests sending and receiving, respectively, a request including a first site and range data, and thereafter receiving and selecting, respectively, trip planning information identifying services within a proximity of the first site derived from the range data, as recited by dependent Claims 19 and 25. The Tenmoku patent also does not teach or suggest identifying any selected locations within a proximity of the first site, as recited by dependent Claim 21. Additionally, the Tenmoku patent does not teach or suggest identifying a location of interest that provides services similar to services provided by the second site, as recited by dependent Claims 22 and 28. Therefore, Applicant submits that dependent Claims 19, 21-22, 25 and 28 are patentable over the Tenmoku patent. As explained above in conjunction with independent Claims 17 and 23, Applicants also submit that dependent Claims 19, 21-22, 25 and 28 are patentable over the Fushimi patent. As such, Applicants further submit that dependent Claims 19, 21-22, 25 and 28 are patentable over the Tenmoku patent and the Fushimi patent, taken either individually or in combination.

## CONCLUSION

For at least the foregoing reasons, Applicant respectfully requests that the rejections be reversed.

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, DC 20231 on December 23, 2002.

Sarah B. Simmons

## CLAIMS ON APPEAL

17. A method for retrieving information, comprising:

sending a request identifying a first site, and range data defining a distance from the first site; and

receiving trip planning information selected based on the identified site and the range data.

18. The method of claim 17, wherein the trip planning information includes information identifying a location of interest within a proximity of the first site derived from the range data.

19. The method of claim 17, wherein the trip planning information includes information identifying services available within a proximity of the first site derived from the range data.

20. The method of claim 17, wherein the request further includes a second site, and wherein the trip planning information includes information identifying a location of interest associated with the second site.

21. The method of claim 17, wherein the request further includes a second site and second range data defining a distance from the second site, and wherein the trip planning information includes information identifying selected locations of interest within a proximity of the first and second sites.

22. The method of claim 20, wherein the locations of interest each provide services similar to services provided by the second site.

23. A method for searching and retrieving information, comprising:

receiving a request identifying a first site and range data defining a distance from the first site;

selecting trip planning information based on the identified first site and the range data; and

outputting the selected trip planning information.

24. The method of claim 23, wherein the trip planning information includes information identifying a location of interest within a proximity of the first site derived from the range data.

25. The method of claim 23, wherein the trip planning information includes information identifying services available within a proximity of the first site derived from the range data.

26. The method of claim 23, wherein the request further includes a second site, and wherein the trip planning information includes information identifying a location of interest associated with the second site.

27. The method of claim 23, wherein the request further includes a second site and second range data defining a distance from the second site, and wherein the trip planning information includes information identifying selected locations of interest within a proximity of the first and second site.

28. The method of claim 27, wherein the locations of interest each provide services similar to services provided by the second site.

29. A method for retrieving information, comprising:

sending a request identifying at least a first site, a second site and a type of location of interest; and

receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites.

30. The method of claim 29, wherein the information includes information related to locations of interest that are associated with the type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape.

31. The method of claim 29, wherein the geometric shape is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value.

32. A method for searching and retrieving information, comprising:

receiving a request including a site and a type of location of interest;

determining a range for the site based on stored information associated with the type of location of interest; and

providing trip planning information based on the range, the type of location of interest and the site.

33. The method of claim 32, wherein the trip planning information includes locations of interest located within the range of the site, and wherein the locations of interest are associated with the type of location included in the request.

34. The method of claim 33, wherein generating the range includes:

varying the range based on the number of locations of interest located within a predetermined distance of the site.

35. A method for retrieving information, comprising:

sending a first request including a site and a type of location of interest; and

receiving trip planning information selected based on a range, the site and the type of location of interest, wherein the range is based on stored information associated with the type of location of interest.

36. The method of claim 35, wherein the trip planning information includes locations of interest located within the range of the site, and wherein the locations of interest are associated with the type of location of interest included in the request.

37. The method of claim 36, wherein the range is based on the number of locations of interest located within a predetermined distance of the site.

38. A method for searching and retrieving information, comprising:

receiving a request identifying at least a first site, a second site and a type of location of interest;

generating a geometric shape based on the first and second sites; and

sending information associated with the first and second sites and selected based on the type of location of interest.

39. The method of claim 38, wherein sending information includes:

collecting information related to locations of interest that are associated with the type of location of interest identified in the request, wherein the locations of interest are located within the geometric shape.

40. The method of claim 38, wherein generating the geometric shape includes:

determining a first distance value between the first and second sites;

performing a function on the first distance value to produce a second distance value; and

generating the geometric shape based on the first and second distance values.